

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	CASE NO. BK04-41534
)	
RICHARD E. CARLSON,)	CH. 7
)	
Debtor(s).)	

ORDER

Hearing was held in Lincoln, Nebraska, on September 19, 2007, regarding Filing No. 718, Motion for Order Enjoining Debtor from Further Filings, filed by Deuel County State Bank and Deuel County Interstate Banc Company; 758, Response, filed by the debtor; and Filing No. 759, Motion for More Definite Statement, filed by the debtor. Richard Carlson appeared pro se, Jerry Jensen appeared for the United States Trustee, Susan Williams appeared for First National Bank, and Steven Mulligan appeared for Deuel County Interstate Banc Company and Deuel County State Bank.

Creditors Deuel County Interstate Banc Company and Deuel County State Bank ("Banks") have filed a motion requesting the court to enjoin the debtor from further filings. The motion asserts that the debtor has filed numerous pleadings, including 29 that the Banks feel are either simply for harassment, are duplicative, or filed solely for delay. The debtor responds that the assertions made in the motion are so general that he cannot properly respond.

The motion is denied. There is no question that the debtor has filed numerous motions and pleadings and appeals. However, he has been successful with regard to some of the filings and has raised facially legitimate issues in others, including the pleadings which have led to the court ordering the Banks to file a response by October 11, 2007.

It is apparently the Banks' position that the debtor has no pecuniary interest in this case and therefore should just leave everybody alone. However, the debtor takes the position that if all funds of the estate and claims of the estate have been or will be properly prosecuted, the Banks will be paid, the other creditors will be paid, and he will end up with some surplus. The differences of opinion with regard to that issue relate to questions of fact and, although this case is long-running, the court is not, at this point, at least, able to say with certainty that Mr. Carlson has no legitimate interest.

IT IS ORDERED that the Motion for Order Enjoining Debtor from Further Filings, Filing No. 718, is denied without prejudice. The responsive Motion for More Definite Statement, Filing No. 759, is denied.

DATED: October 2, 2007

BY THE COURT:

/s/ Timothy J. Mahoney
Chief Judge

Notice given by the Court to:

Richard E. Carlson

Susan Williams

Jerry Jensen

*Steven Mulligan

*Movant is responsible for giving notice of this order to other parties if required by rule or statute.